

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW PANDOLFI, et al.,

Plaintiffs,

v.

AVIAGAMES, INC., et al.,

Defendants.

Case No. 23-cv-05971-EMC (EMC)

**ORDER RE AVIA DEFENDANTS’
ADMINISTRATIVE MOTION FOR
RELIEF FROM CASE MANAGEMENT
SCHEDULE**

Docket No. 65

The Court has reviewed the Avia Defendants’ motion to continue and for administrative relief, as well as Plaintiffs’ opposition. (The other defendants in the case, Galaxy and Acme, essentially support the Avia Defendants’ motion.) The Court hereby rules as follows.

1. The Avia Defendants shall file their motion to compel arbitration on February 5, 2024. The hearing date on that motion shall be March 14, 2024, at 1:30 p.m.

2. The initial case management conference (“CMC”) shall be continued from March 5, 2024, to March 14, 2024, at 1:30 p.m. (In other words, the initial case management conference shall take place on the same day as the hearing on the motion to compel arbitration.) The parties shall file a joint CMC statement by March 7, 2024.

3. The Court shall not stay discovery, either pending the motion to compel arbitration or the motions to dismiss that all Defendants intend to file. However, because it is possible that the claims against the Avia Defendants could be sent to arbitration, the Court expects these two parties to focus, at the outset, only on high-level discovery that would be obtainable even if the case were sent to arbitration as well as matters going to arbitrability. The Court’s ruling here does not prejudice the merits of the motion to compel arbitration. The parties shall meet and confer and

1 agree upon this first stage of discovery.

2 4. The Avia Defendants may file their motion to dismiss at the same time that Galaxy
3 and Acme do – *i.e.*, on March 11, 2024. This ruling, as above, does not prejudge the merits of the
4 Avia Defendants' motion to compel arbitration. It makes sense to hear all three motions to
5 dismiss at the same time. The hearing shall be held promptly within the time frame established in
6 the Local Rules. The delay in hearing the Avia Defendants' motion to dismiss motion is slight
7 and will not result in demonstrable prejudice to Plaintiffs.

8 The Court notes that the issues raised in the pending motion should have been resolved by
9 the parties without the need for judicial intervention. It expects that this is not a harbinger of how
10 the parties will litigate this case in the future. In other words, the Court expects the parties to meet
11 and confer in good faith and conduct themselves reasonably and refrain from an all-or-nothing
12 approach.

13 This order disposes of Docket No. 65.

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15 **IT IS SO ORDERED.**

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17 Dated: January 23, 2024

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21 EDWARD M. CHEN
22 United States District Judge
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